



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
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**(Unapproved and subject to change)**

## **CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION**

### **MINUTES OF MEETING, Public Session**

**Thursday, March 19, 2015**

#### **CALL TO ORDER**

Chair Remke called the meeting to order at 10:05 am on March 19, 2015 at the Fair Political Practices Commission, 428 J Street, Sacramento, CA 95814. Chair Remke and Commissioners Casher, Eskovitz, Wasserman, and Wynne were present.

#### **WELCOME**

##### **1. Public Comment**

Chair Remke opened the floor for public comment.

George Barich from Cotati, CA submitted two complaint letters.

##### **2. Approval of February 2015 Commission Meeting Minutes.**

Chair Remke made a motion to approve item 2, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke

The motion passed 5 to 0.

#### **PROPOSED CONSENT CALENDAR ITEMS 3 – 13** **ENFORCEMENT MATTERS**

Commissioner Wynne made a motion to approve the Consent Calendar, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke

The motion passed 5 to 0

#### **Personal Use of Campaign Funds**

**3. In the Matter of Kenneth G. Mann; FPPC No. 14/596.** Staff: Commission Counsel Zachary W. Norton and Program Specialist Luz Bonetti. This matter arose out of an audit

performed by the Political Reform Audit Program of the Franchise Tax Board. Kenneth G. Mann was a Lancaster City Council member and a successful candidate for reelection to that office on April 10, 2012. Re-elect Mann for City Council 2012 was his candidate controlled committee. In this matter, Mann caused the committee to make an expenditure of campaign funds, totaling \$5,000, which conferred a substantial personal benefit on Respondent Mann, for purposes not directly related to a political, legislative, or governmental purpose, in violation of Government Code Section 89512 (1 count). **Total Proposed Penalty: \$3,500.**

### **Campaign Reporting**

**4. In the Matter of Doreen Farr, Re-Elect Doreen Farr Supervisor 2012, and Susan Bott, Treasurer; FPPC No. 14/852.** Staff: Commission Counsel Milad Dalju and Program Specialist Grant Beauchamp. This matter arose out of an audit performed by the Political Reform Audit Program of the Franchise Tax Board. Doreen Farr, her candidate-controlled committee, Re-Elect Doreen Farr Supervisor 2012, and its treasurer, Susan Bott, failed to timely report payments of \$500 or more, totaling \$149,318.25, made on the committee's behalf by its agents and independent contractors during the January 1 through March 17, 2012, and March 18 through May 19, 2012, reporting periods, in violation of Government Code Sections 84200.5, 84211, subdivision (k), and 84303 (1 count). **Total Proposed Penalty: \$2,500.**

**5. In the Matter of California Association of Licensed Repossessors PAC and Marcelle Egley, Treasurer; FPPC No. 14/1386.** Staff: Political Reform Consultant Adrienne Korchmaros. California Association of Licensed Repossessors PAC, and Marcelle Egley as treasurer, failed to timely file the semi-annual statement, Form 460, covering the period July 1, 2013 through December 31, 2013, due January 31, 2014, with the Office of the Secretary of State, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

**6. In the Matter of Committee to Defeat Prop 23, Sponsored by Environment California, and Bernadette Del Chiaro, Treasurer; FPPC No. 14/599.** Staff: Senior Commission Counsel Neal Bucknell and Program Specialist Grant Beauchamp. This matter arose out of an audit performed by the Political Reform Audit Program of the Franchise Tax Board. Committee to Defeat Prop 23, Sponsored by Environment California and Bernadette Del Chiaro as treasurer failed to report receipt of a contribution in the amount of \$100,000 from the Sierra Club California No on Prop 23 Committee on a pre-election campaign statement that was filed for the reporting period ending October 16, 2010, in violation of Government Code Sections 84200 and 84211 (1 count). **Total Proposed Penalty: \$200.**

### **Major Donor Reporting**

**7. In the Matter of Calvary Chapel Chino Hills; FPPC No. 15/066.** Staff: Political Reform Consultant Jeanette Turvill. Calvary Chapel Chino Hills failed to timely file a Major Donor Report (Form 461) disclosing one contribution covering the period January 1, 2013,

through December 31, 2013, due on January 31, 2014, with the Office of the Secretary of State, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$400.**

### **Late Contribution Reporting**

**8. In the Matter of the Mark Carnevale for Cathedral City Council 2014, Mark Carnevale, Walter D. McLaughlin, Treasurer; FPPC No. 14/1280.** Staff: Political Reform Consultant Jeanette E. Turvill. Mark Carnevale for Cathedral City Council 2014, Mark Carnevale, and Walter D. McLaughlin as treasurer received three contributions totaling \$5,563 during the 90 days before the November 4, 2014 election and failed to file three 24 hour contribution reports, in violation of Government Code Section 84203 (3 counts). **Total Proposed Penalty: \$834.**

**9. In the Matter of the Committee to Elect Shelley Kaplan to City Council 2014 and Shelley Kaplan; FPPC No. 14/1279.** Staff: Political Reform Consultant Jeanette E. Turvill. Committee to Elect Shelley Kaplan to City Council 2014 and Shelley Kaplan received four contributions totaling \$4,500 during the 90 days before the November 4, 2014 election and failed to file four 24 hour contribution reports, in violation of Government Code Section 84203 (4 counts). **Total Proposed Penalty: \$675.**

### **Statement of Economic Interests – Non-Filer**

**10. In the Matter of Andrew Green; FPPC No. 15/030.** Staff: Political Reform Consultant Jeanette E. Turvill. Andrew Green, as a member of the California Arts Council, failed to timely file a 2013 Annual Statement of Economic Interests, covering the period January 1, 2013, through December 31, 2013, due on April 1, 2014, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$300.**

**11. In the Matter of Cydney Bensimon; FPPC No. 15/016.** Staff: Political Reform Consultant Teri Rindahl. Cydney Bensimon, as a Hearing Officer with the City of Los Angeles, failed to timely file a 2013 Annual Statement of Economic Interests, covering the period January 1, 2013, through December 31, 2013, due on April 1, 2014, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**12. In the Matter of Isis Spinola-Schwartz; FPPC No. 14/1379.** Staff: Political Reform Consultant Adrienne Korchmaros. Isis Spinola-Schwartz, as a Board Member on the Marin County Strawberry Design Review Board, failed to timely file a 2013 Annual Statement of Economic Interests, covering the period January 1, 2013, through December 31, 2013, due on April 1, 2014, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

## **Pro-Active Gift Non-Reporting**

**13. In the Matter of Brenda Saavedra; FPPC No. 14/1012.** Staff: Commission Counsel Bridgette Castillo, Legal Analyst Tracey Frazier, Law Clerk Elizabeth Smutz, and Law Clerk Robert Nash. Brenda Saavedra, as a Trustee for the Delhi Unified School District, failed to timely disclose gifts of two meals valued at \$157.64 on her 2010 Statement of Economic Interests from Stone and Youngberg LLC, in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

## **GENERAL ITEM 14 – 15**

**14. Approval of FPPC Campaign Manuals for Local Candidates and Ballot Measure Committees.** Staff: Lynda Cassady, Division Chief, Technical Assistance

Chief of Technical Assistance, Lynda Cassady presented the Commission with the updated manuals. Commissioner Wynne asked what measures were taken in between manual updates. Chief Cassady answered that factsheets were used.

Commissioner Eskovitz made a motion to approve item 14, Commissioner Wynne seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke

The motion passed 5 to 0

**15. In the Matter of Frank J. Burgess; OAH No. 2014060674; FPPC No. 12/516.** Staff: Senior Commission Counsel Angela J. Brereton, Commission Counsel Adam E. Silver, and Special Investigator Lee Myers. Respondent Frank J. Burgess was a member of the Board of Directors for San Geronio Memorial Healthcare District from June 6, 2009 through December 3, 2010. In such capacity, Burgess was also a member of the Board of Directors for San Geronio Memorial Hospital, located in the city of Banning in Riverside County, CA. Burgess has been charged with violating the Act's conflict of interest provisions by attempting to use his official position to influence a governmental decision when he gave a packet of informative materials to his fellow Hospital Board Members before they voted on whether to approve an agreement with a competing company and discontinue storing documents with Burgess northAmerican, a business entity in which Burgess held an economic interest under the Act. This case was heard before Administrative Law Judge H. Stuart Waxman of the Los Angeles Office of Administrative Hearings on December 8 and 9, 2014. Following the hearing, ALJ Waxman issued a proposed decision in which he found one conflict of interest violation of the

Political Reform Act. **Judge Waxman's proposed decision imposed the maximum administrative penalty against Burgess in the amount of \$5,000.**

Angela Brereton, Senior Commission Counsel made the argument on behalf of the Enforcement Division.

John Pinkney made the argument for Frank Burgess.

### **CLOSED SESSION ITEM 16**

#### **16. Deliberation and Pending Litigation (Gov. Code §§ 11126(c)(3) and 11126(e)(1)).**

Deliberation upon: Administrative Hearing: In the Matter of Frank J. Burgess (FPPC No. 12/516).

Chair Remke stated that the Commission rejected the proposed decision, and will decide the case upon the record including the transcript. The Commission would like the parties to further address, without limitation, the governmental decision element under Government Code section 87100. A copy of the record shall be made available to the parties. The Commission will proceed on this matter on written argument and will issue an order as to the briefing schedule.

### **EXECUTIVE STAFF REPORTS and ACTION ITEM 17**

**Legislative Report.** Staff: Senior Commission Counsel and Legislative Coordinator, Sukhi Brar.

The Commission is asked to adopt a support position on Assembly Bill 549.

Executive Director, Erin Peth asked that the action be pulled from this agenda to give time for the author's office to file amendments.

**Litigation Report.** Staff: Assistant General Counsel, John W. Wallace

**Legal Division Report.** Staff: Assistant General Counsel, John W. Wallace

**Enforcement Division Report.** Staff: Acting Chief of Enforcement, Galena West

**Technical Assistance Division Report.** Staff: Chief of Technical Assistance Division, Lynda Cassidy

Chair Remke made a motion to adjourn the meeting. Commissioner Wynne seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke

The motion passed 5 to 0.

The meeting adjourned at 12:14 pm.

Respectfully Submitted,

Dated:

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John Kim

Commission Assistant

Approved April 16, 2015

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Joann Remke, Chair

Fair Political Practices Commission